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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Conway Mark Mackey,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.  
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No. CV-13-01104-PHX-PGR

**ORDER**

15 The Court having reviewed de novo the Report and Recommendation (Doc. 12) of  
16 Magistrate Judge Bridget S. Bade, filed on October 8, 2014, notwithstanding that no  
17 party has filed an objection to the Report and Recommendation,

18 IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc.  
19 12) is accepted and adopted by the Court.

20 IT IS FURTHER ORDERED that the Petitioner's Amended Petition Under 28  
21 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is DENIED and  
22 that this action is DISMISSED. The Clerk of the Court shall enter judgment accordingly.

23 IT IS FURTHER ORDERED that no certificate of appealability shall be issued  
24 and that the petitioner is not entitled to appeal *in forma pauperis* because dismissal of the

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1 Amended Petition is justified by a plain procedural bar and reasonable jurists would not  
2 find the ruling debatable.

3 Dated this 1st day of December, 2014.

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7 Paul G. Rosenblatt  
8 United States District Judge  
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